

REMARKS

Claims 27, 31, 34 through 41, 45, 54 through 56, and 59 through 70 are pending in this Application. Claims 28 through 30, 32, 33, 42 through 44, 46, 47, 53, 57, and 58 have been cancelled without prejudice or disclaimer. Claims 27, 31, 34 through 37, 39 through 41, 45, and 54 through 56 have been amended, and new claims 59 through 70 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Abstract, FIGs. 3 and 7, ¶¶ [0010], [0027], [0049] through [0054], [0072] through [0080] of the corresponding US Pub. No. 2005/0004968. Applicants submit that the present Amendment does not generate any new matter issue.

Personal Interview of April 21, 2010.

Applicants express appreciation for the Examiner's courtesy in granting and conducting a personal interview on April 21, 2010. No agreement was reached.

Objection to the Disclosure.

The Examiner asserted that the specification lacked sufficient antecedent basis for certain claim recitations. This objection is traversed.

Literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d 916, 923 (Fed.Cir.2004); *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure to describe the subject matter claimed; the description need only allow persons of ordinary skill in the art to recognize that he or she invented what is claimed. *Carnegie Mellon Univ. v. Hoffmann-*

La Roche Inc., 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton*, 76 F.3d 1168, 1172 (Fed.Cir.1996)).

In applying the above legal tenets to the exigencies of this case, Applicants submit that the imposed objection is not factually accurate, since the specification describes the claim features identified by the Examiner.

Specifically, adequate descriptive support for the recitation “wherein the mobile server is a mobile terminal, and the external device is another mobile terminal, and the mobile terminals exchange call data and content data simultaneously and in real time, while each of the mobile terminals is making a call to each other and accessing the media content data via internet” in claims 27, 34, and 41, can be found in, at least, ¶¶ [0010], and [0076] of the written description of the specification, which would have reasonably conveyed to one having ordinary skill in the art that Applicants had possession of the now claimed invention at, including that recitation. In particular, ¶ [0010] describes a mobile terminal requesting information from as well as providing information to a network element through its own common gateway interface (CGI). The network element may be an ALL-IP mobile communication device (¶ [0030]), or a wireless local area network (WLAN), Bluetooth, infrared (IR), or hard wired device (originally filed claim 13). Therefore, the second mobile terminal engaged in a call can be a proximate external device selected in response to a request received at the CGI of the first terminal.

Adequate descriptive support for the recitation “the mobile server is a mobile terminal, the external device is a security access control station”, and “while each of the mobile terminals is making a call to each other and accessing the media content data via internet” in claims 53, 55, and 57, can be found in, at least, ¶¶ [0010], [0049], and [0053] of the written description of the specification, which would have reasonably conveyed to one having ordinary skill in the art that

Applicants had possession of the now claimed invention, including that recitation. In particular, a security access control point 308 can have connectivity to a WAP/HTTP proxy 324, in which HTTP requests may be made to a mobile terminal 304 through IP stack 320 and the CGI (§ [0053]).

Adequate descriptive support for the recitation “the mobile server is a mobile terminal, and the external device is a refrigerator” and “while each of the mobile terminals is making a call to each other and accessing the media content data via internet” in claims 54, 56, 58, can be found in, at least, §§ [0010], [0049], and [0054] of the written description of the specification, which would have reasonably conveyed to one having ordinary skill in the art that Applicants had possession of the now claimed invention, including that recitation. In particular, a refrigerator can upload to a mobile terminal 304 inventory data of products currently contained within the refrigerator (§ [0054]).

At any rate, to expedite prosecution the claim recitations identified by the Examiner have been deleted, thereby rendering the objection moot. Applicants respectfully request withdrawal of the objection of the specification.

Claim Objection.

The Examiner objected to claim 27, asserting “the mobile server module” lacks antecedent basis. In response, the perceived informality has been corrected as suggested by the Examiner by deleting the word “module”. Accordingly, withdrawal of the objection to claim 27 is solicited.

Claims 27 through 47 and 53 through 58 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In stating the rejection, the Examiner asserted that certain claim recitations are not disclosed in the specification. This rejection is traversed.

For reasons advocated *supra* with respect to the objection to the disclosure, one having ordinary skill in the art would have recognized from the originally filed disclosure that Applicants had possession of the now claimed subject matter, including the recitation “wherein the mobile server is a mobile terminal, and the external device is another mobile terminal, and the mobile terminals exchange call data and content data simultaneously and in real time, while each of the mobile terminals is making a call to each other and accessing the media content data via internet” in claims 27, 34, and 41.

For reasons advocated *supra* with respect to the objection to the disclosure, one having ordinary skill in the art would have recognized from the originally filed disclosure that Applicants had possession of the now claimed subject matter, including the recitations “security access station” and “refrigerator” in claims 53 through 58.

Adequate descriptive support for “the mobile terminal automatically downloads the edible item list to format a shopping list independently of human interaction” in claims 54, 56, and 58, can be found in, at least, ¶¶ [0010], [0049], and [0054] of the written description of the specification, which would have reasonably conveyed to one having ordinary skill in the art that Applicants had possession of the claimed invention including this recitation. In particular, a mobile terminal 304 communicates with a refrigerator using Bluetooth to upload to the mobile terminal 304 inventory data ([0054]). As known to one having ordinary skill in the art, Bluetooth communication is discovered and then connected between devices independently of human

interaction. In this context, it is apparent that the mobile terminal automatically downloads the edible item list to format a shopping list independently of human interaction.

It is therefore apparent that one having ordinary skill in the art would clearly understand from the originally-filed disclosure that Applicants had possession of the now claimed invention at the time of filing. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed. Cir. 2008). Applicants therefore submit that the imposed rejection under the first paragraph of 35 U.S.C. §112 for lack of adequate written description is not legally viable and, hence, solicit withdrawal thereof.

Claims 42 through 47 and 53 through 58 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

In stating the rejection, the Examiner asserted that certain recitations are not clear, thereby rendering the claims indefinite. This rejection is traversed.

Initially, Applicants would point out that indefiniteness under the second paragraph of 35 U.S.C. §112 is a question of law requiring only **reasonable precision** in light of the particular subject matter involved. *Miles Laboratories, Inc. v. Shandon, Inc.*, 997 F.2d 870 (Fed. Cir. 1993). MPEP §2173.02 states: “Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire.”

Regarding the recitation of claims 27, 34, and 41, for reasons advocated *supra* with respect to the objection to the disclosure for the same claim recitation, it is apparent that a person skilled in the field of the invention would understand the claim when viewed in the context of the specification.

Regarding the recitation of claims 53, 55, and 57, for reasons advocated *supra* with respect to the objection to the disclosure for the same claim recitation, it is apparent that a person skilled in the field of the invention would understand the claim when viewed in the context of the specification.

Regarding the recitation of claims 54, 56, and 58, for reasons advocated *supra* with respect to the objection to the disclosure for the same claim recitation, it is apparent that a person skilled in the field of the invention would understand the claim when viewed in the context of the specification.

At any rate, since the claim recitations have been removed, the rejection becomes moot. Accordingly, withdrawal of the rejection to claims 42 through 47, and 53 through 58 under the second paragraph of 35 U.S.C. 112 is solicited.

(1) Claims 27 through 30, 32, 34 though 37, 39, 41 through 44, and 46 were rejected as obvious under 35 U.S.C. §103(a) based on *Yamaguchi* (US 6,980,826, “*Yamaguchi*”) in view of *Wesinger, Jr. et al.* (US 5,778,367, “*Wesinger*”), *Bork et al.* (US 6,246,376, “*Bork*”), and *Moran et al.* (US 20020091794, “*Moran*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Yamaguchi*'s communication system by including *Bork*'s wireless connection to the proximate external device, to allow a mobile terminal user to move about freely while connecting to a GPS device. The Examiner further concluded that that one having ordinary skill in the art would have been led to modify whatever system and method can be said to have been reasonably suggested by the combined disclosures of *Yamaguchi* and *Bork* by including *Wesinger*'s request/response transmitted via a common gateway interface, in order to

supply data using a standard-based server extension. The Examiner further concluded that one having ordinary skill in the art would have been led to include *Moran*'s two mobile terminals that simultaneously exchange a voice call and digital data, to provide the user with a greater variety of media. Applicants respectfully traverse this rejection.

Independent claims 27, 34, and 41 recite, *inter alia*: “**making security credentials** of a user of the mobile terminal **accessible** for a targeted one of the wirelessly connected proximate devices **via a common gateway interface of the mobile server for verifying user security access** independently of human interaction with the mobile terminal.”

As admitted by the Examiner (p. 13, 4th paragraph of the Office Action), none of the applied references, taken singly or in any combination, disclose or suggest the above-described independent operations of a wireless terminal. Simply put, none of *Yamaguchi*, *Bork*, *Wesinger* or *Moran* **makes security credentials** of a user of the mobile terminal **accessible** for a targeted one of the wirelessly connected proximate devices **via a common gateway interface of the mobile server for verifying user security access**.

It is therefore apparent that even if the applied references are combined as suggested by the Examiner, and Applicants certainly do not agree that the requisite realistic motivation has been established for combining the applied references, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that the imposed rejection of claims 27 through 30, 32, 34 through 37, 39, 41 through 44, and 46 under 35 U.S.C. §103(a) for obviousness based on *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran* is not factually or legally viable and, hence, solicit withdrawal thereof.

(2) Claims 31, 38, and 45 were rejected as obvious under 35 U.S.C. §103(a) based on *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran*, and further in view of a publication entitled “Lesson 5: SOAP, UDDI and WSDL” (*Lesson 5*).

(3) Claims 33, 40, and 47 were rejected as obvious under 35 U.S.C. §103(a) based on *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran*, and further in view of *Awada et al.* (US 6,873,861, “*Awada*”).

(4) Claims 53, 55, and 57 were rejected as obvious under 35 U.S.C. §103(a) based on *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran*, and further in view of *Khan et al.* (US 20030115474, “*Khan*”).

(5) Claims 54, 56, and 58 were rejected as obvious under 35 U.S.C. §103(a) based on *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran*, and further in view of *Herwig* (US 2002/0082925).

Each of the above-identified rejections (2) through (5) under 35 U.S.C. §103(a) is respectfully traversed.

Specifically, claim 33, 47, 53, 57, and 58 have been cancelled without prejudice or disclaimer.

Claims 31 and 33 depend from independent claim 27; claims 38, 40, and 54 through 56 depend from independent claim 34; and claims 45 and 47 depend from independent claim 41. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claims 27, 34, and 41 under 35 U.S.C. §103(a) for obviousness predicated upon *Yamaguchi* in view of *Bork*, *Wesinger* and *Moran*. The additional references to *Lesson 5*, *Awada*, *Khan* and *Herwig* do not cure the previously argued deficiencies in the attempted combinations of *Yamaguchi*, *Bork*, *Wesinger* and *Moran*.

Specifically, at best *Khan* allows a workstation to query a camera wired via a **bus** for two ID numbers for biometric verification ([0029]), but not to “**make security credentials** of a user of the mobile terminal **accessible** for a targeted one of the wirelessly connected proximate devices **via a common gateway interface of the mobile server for verifying user security access** independently of human interaction with the mobile terminal”, as recited in the independent claims.

Accordingly, even if the applied references were combined as proposed by the Examiner, and again Applicants do not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. *See Uniroyal, Inc. v. Rudkin-Wiley Corp., supra*, Applicants therefore submit that the above-identified rejections (2) through (5) encompassing claims 31, 33, 38, 40, 45, 47, and 53 through 58 under 35 U.S.C. 103(a) are not factually or legally viable and, hence, solicit withdrawal thereof.

New claims 59 through 70.

New claims 59 through 64 depend from independent claim 27, and new claims 65 through 70 depend from independent claim 41. Hence new claims 59 through 70 are free of the applied prior art for reasons advocated *supra* with respect to claims 27 and 41

Therefore, the present application, as amended, overcomes the objection and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

April 26, 2010
Date

/Chih-Hsin Teng/
Chih-Hsin Teng
Attorney/Agent for Applicant(s)
Reg. No. 63168

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958